

This listing of claims will replace all prior versions, and listings, of claims in the application:

**LISTING OF CLAIMS:**

Claims 1-20 (Previously canceled).

Claim 21 (Currently amended): A surgical stapler comprising:

a tool assembly including a cartridge assembly having a plurality of staples and an anvil assembly, the anvil assembly being movable in relation to the cartridge assembly between open and approximated positions:

a shaft; and

an intermediate pivot member pivotally secured to the tool assembly about a first pivot axis and pivotally secured to the ~~shaft~~ shaft about a second pivot axis, ~~the~~ the first pivot axis being substantially orthogonal to the second pivot axis.

Claim 22 (Previously presented): A surgical stapler according to Claim 21, further including a dynamic clamping member positioned to translate through the tool assembly to eject the plurality of staples from the cartridge.

Claim 23 (Previously presented): A surgical stapler according to Claim 22, wherein the plurality of staples are aligned in a plurality of linear rows.

Claim 24 (Previously presented): A surgical stapler according to Claim 22, further including a clamping collar supported adjacent a proximal end of the anvil assembly and the cartridge assembly, the clamping collar being movable from a first position to a second position to move the anvil assembly and the cartridge assembly from the open position to the approximated position.

Claim 25 (Previously presented): A surgical stapler according to Claim 24, further including a sled which is movable with the dynamic clamping member through the cartridge assembly from a first position to a subsequent position to operatively eject the plurality of staples from the cartridge assembly through tissue and against the anvil assembly to staple tissue disposed between the anvil assembly and the cartridge assembly.

Claim 26 (Previously presented): A surgical stapler according to Claim 22, wherein the dynamic clamping member includes a first mechanical interface which slidably engages the anvil assembly and a second mechanical interface which slidably engages the cartridge assembly, the first and second mechanical interfaces of the dynamic clamping member being in substantial vertical registration relative to one another to oppose expansive forces associated with clamping and stapling tissue and to maintain a substantially uniform gap between tissue contacting surfaces of the anvil and the cartridge assembly during stapling.

Claim 27 (Previously presented): A surgical stapler according to Claim 26, wherein the first mechanical interface of the dynamic clamping member includes a pin which translates within a corresponding slot disposed within an interior of the anvil assembly.

Claim 28 (Previously presented): A surgical stapler according to Claim 27, wherein the slot disposed within the interior of the anvil assembly includes a generally T-shaped cross section.

Claim 29 (Previously presented): A surgical stapler according to Claim 28, wherein the second mechanical interface of the dynamic clamping member includes a flange which secures the dynamic clamping member for translation within a corresponding slot disposed within the cartridge assembly.

Claim 30 (Previously presented): A surgical stapler according to Claim 25, wherein the sled includes at least one angled surface which upon movement thereof forces the staples from the cartridge assembly through tissue and against the anvil assembly to deform and close the staples about tissue.

Claim 31 (Previously presented): A tool assembly according to Claim 21, wherein the tool assembly is part of a disposable loading unit for removable attachment to a distal end of the shaft of a surgical stapler.

Claim 32 (Currently amended): A tool assembly comprising:

an anvil and a cartridge assembly, the cartridge assembly having a plurality of staples and being movable in relation to the anvil between an open position and an approximated position, the cartridge assembly and the anvil defining a tissue gap in the approximated position;

a clamp collar positioned adjacent the proximal end of the cartridge assembly and the anvil and being movable from a first position to a second position to effect movement of the anvil in relation to the cartridge assembly from the open position towards the approximated position, wherein in the second position, the clamp collar is positioned about the proximal ends of the cartridge assembly and anvil; [[and]]

a dynamic clamping member movably positioned in relation to the anvil and the cartridge assembly, the dynamic clamping member being movable from a first position to a second position to define a maximum tissue gap between the anvil and the cartridge assembly adjacent the dynamic clamping member during ejection of the plurality of staples from the cartridge assembly[.]; and

at least one pulley operatively associated with the dynamic clamping member to effect

movement of the dynamic clamping member from the first position to the second position.

Claim 33 (Previously presented): A tool assembly according to Claim 32, wherein the plurality of staples are aligned in a plurality of linear rows.

Claim 34 (Currently amended): A tool assembly according to Claim 32, further including a sled which is movable with the dynamic clamping member through the cartridge assembly from a first position to a subsequent position to operatively eject the plurality of staples from the cartridge assembly through tissue and against the anvil assembly to staple tissue disposed between the anvil assembly and the cartridge assembly.

Claim 35 (Previously presented): A tool assembly according to Claim 34, wherein the dynamic clamping member includes a first mechanical interface which slidably engages the anvil assembly and a second mechanical interface which slidably engages the cartridge assembly, the first and second mechanical interfaces of the dynamic clamping member being in substantial vertical registration relative to one another to oppose expansive forces associated with clamping and stapling tissue and to define the maximum tissue gap between tissue contacting surfaces of the anvil and the cartridge assembly during stapling.

Claim 36 (Previously presented): A surgical stapler according to Claim 32, further including a sled which is movable with the dynamic clamping member through the cartridge assembly from a first position to a subsequent position to operatively eject the plurality of staples from the cartridge assembly through tissue and against the anvil assembly to staple tissue disposed between the anvil assembly and the cartridge assembly.

Claim 37 (Previously presented): A surgical stapler according to Claim 21, wherein the cartridge assembly is pivotally secured to the intermediate pivot member and the anvil assembly

is pivotally supported on the cartridge assembly.

Claim 38 (Previously presented): A surgical stapler according to Claim 22, wherein the dynamic clamping member translates axially through the tool assembly.

Claim 39 (New): A surgical stapler according to Claim 32, wherein the at least one pulley is selected from the group consisting of cables, ropes, threads, bands and belts.

Claim 40 (New): A surgical stapler according to Claim 32, further including a sled, the sled being movable through the cartridge assembly to eject the plurality of staples from the cartridge assembly.

Claim 41 (New): A surgical stapler according to Claim 40, wherein the at least one pulley is operably connected to the sled and the sled is operably connected to the dynamic clamping member.